



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, शुक्रवार, फरवरी 22, 2013/फाल्गुन 3, 1934 (शक)

No. 1] NEW DELHI, FRIDAY, FEBRUARY 22, 2013/PHALGUNA 3, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd February, 2013:—

BILL No. 82 OF 2012

A Bill to provide for payment of pension to old age citizens.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Old Age Pension Act, 2012.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government; and

(b) "old person" means any person who has attained the age of sixty years.

Pension to
old age
persons.

3. (1) Every old person who is a citizen of India shall, on an application made in the prescribed form, be paid rupees two thousand per mensem as pension, by the appropriate Government.

(2) The pension payable shall be subject to alteration on the basis of the prevailing cost of living index as may be determined from time to time by the Central Government.

(3) The pension referred to in sub-section (1) shall be disbursed to old persons, by the appropriate Government through Government Treasury or any branch of nationalized bank as may be prescribed by the Central Government:

Provided that an old person who is receiving pension from the appropriate Government or who has some source of income which is more than the amount given under this Act shall not be eligible for pension under this Act.

Setting up of
Old Persons
Pension Fund.

4. (1) The Central Government shall set up a Fund to be known as the "Old Persons Pension Fund" to carry out the purposes of this Act.

(2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.

Power to
make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India's social security system is woefully inadequate in comparison even to third world economies. Some States in India have social security schemes but the scale of benefits is modest. The Indira Gandhi Old Age Pension Scheme of the Central Government covers only old age persons living below poverty line. Moreover, the pension amount is a meagre Rs. 200 per month. Today, we find that millions of senior citizens who do not have sufficient means or any support system have to lead a life full of hardships. These people, who are without any source of income, live in hunger and loneliness without anyone to take care of their needs. Thus, our country being a welfare State, it is the duty of the State to provide for a universal pension scheme for old age persons.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 24, 2012.

BASUDEB ACHARIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees two thousand per month to such old persons who have attained the age of sixty years or more. Clause 4 provides for the constitution of Old Persons Pension Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 109 OF 2012

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of article 72.

2. In article 72 of the Constitution, after clause (3), the following clause shall be added, namely:—

"(4) Nothing in this article shall apply to the punishment or sentence of any person convicted of—

(i) waging, or attempting to wage war, or abetting waging of war, against the Government of India; or

(ii) conspiracy to wage war against the Government of India by means of criminal force or show of criminal force within or outside India; or

(iii) collecting arms with intention of waging war against the Government of India; or

(iv) concealing the existence of a design to wage war or facilitating the waging of such war against the Government of India."

STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution empowers the President of India to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

However, in cases like attack on Parliament House in the year 2001 and later attack on Mumbai known as 26/11 attack in the year 2008 have been held as acts of waging war against India by the Supreme Court.

While Afzal Guru, the convict in the case of attack on Parliament has made a clemency petition to the President, Ajmal Kasab, the accused of Mumbai attack is also likely to do so.

The acts of violence perpetrated by the above accused amount to waging war against India and therefore should not be considered on par with other offences. The feeling of law-abiding citizens of India is that the sentence be executed immediately and such convicts should not be given the benefit of exceptional provision in the Constitution of India.

Therefore, the provision of President's discretion of pardoning or suspending the sentence pronounced by the Supreme Court of India should not be available to persons convicted of offences like waging of war against Government of India.

Hence this Bill.

NEW DELHI;
August 30, 2012.

ANANT GANGARAM GEETE

BILL NO. 1 OF 2013

A Bill to prevent throwing or depositing non-biodegradable garbage in public drains, roads and places open to public view so as to protect the environment from being polluted by such garbage and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill effects of non-biodegradable garbage;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment Protection (Control of Non-biodegradable Garbage) Act, 2013.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings or organism;

(c) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof or in the removal of such matters therefrom;

(d) "local self government institution" means a Panchayat, Municipality or a Cantonment Board or any such authority by whatever name called;

(e) "market" includes any place where people assemble or which is exposed for sale of meat, fish, fruits, vegetables, food, or any other articles for human use or consumption with or without the consent of the owner of such place or any other person or authority empowered to regulate such activities;

(f) "municipal area" means a territorial area within the jurisdiction of institution of local self government;

(g) "non-biodegradable garbage" means the garbage or waste material which is not bio-degradable and includes polythelene, nylon and other plastic goods such as Polyvinyl Chloride, Polypropylene and Polystyrene;

(h) "occupier" includes—

(i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(ii) an owner in occupation of or otherwise using his land or building;

(iii) any person in occupation of a land or building without payment of any rent or other consideration; and

(iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(i) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(j) "place" means any land or building or part of a building and includes garden, ground and out houses, if any, pertaining to a building or part of a building;

(k) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(l) "prescribed" means prescribed by rules made under this Act; and

(m) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall, in order to protect the environment, ensure that no person, by himself or through another, shall knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, any non-biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container likely to—

Prohibition to throw non-biodegradable garbage in public drains and sewage.

- (a) injure the drainage and sewage system;
- (b) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; or
- (c) be dangerous or cause a nuisance or be prejudicial to public health or environment.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless,—

- (a) the garbage is placed in a garbage receptacle; or
- (b) the garbage is deposited in a location designated by a local self government institution having jurisdiction on an area for the disposal of the garbage.

4. It shall be the duty of the local self government institution to—

- (a) provide at proper and convenient places public receptacles, depots or places for temporary deposit or collection of non-biodegradable garbage;
- (b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of bio-degradable garbage;
- (c) provide for the removal of contents of receptacles, depots and the accumulation at all places provided by it under clause (a); and
- (d) arrange for recycling of the non-biodegradable garbage collected under this Act.

Provision for placement of receptacles and places.

5. It shall be the duty of every owner and occupier—

- (a) to collect or cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles, depots or places provided for temporary deposit or collection of the non-biodegradable garbage by the local self government institution in the area; and
- (b) to ensure disposal of non-biodegradable waste in separate receptacles or dustbins in the manner prescribed by the local self government institution and to keep such receptacles or dustbins in good condition.

Duty of owners and occupiers to collect and deposit non-biodegradable garbage, etc.

6. The appropriate Government may, by notice in writing, require the owner or occupier of any land or building, which has become a place of unauthorized stacking or deposit of non-biodegradable garbage and is likely to cause a nuisance, to remove or cause to be removed the deposited garbage so stacked or; and if, in its opinion, such stacking or deposit of non-biodegradable waste is likely to injure the drainage and sewage system or is likely to be dangerous to life, health and environment, it shall forthwith take such steps at the cost of owner or occupier as it may think necessary.

Removal of non-bio-degradable garbage.

7. (1) Manufacturing of soft drink bottles, shampoo and detergent bottles used with Polyethylene Terephthalate, milk bottles, house hold cleaners, supermarket bags used with high density polyethylene, bread bags used with low density polyethylene, bread bag tags, jars and wrapping films used with polyethylene resins and mixed plastic used for making feathers, toys, or such other items is hereby prohibited.

Prohibition of manufacture of plastic products for packaging of certain items.

(2) No person shall use plastic or its derivatives for manufacturing any article for use by infants.

Penalties.

8. (1) Whoever commits any act in contravention of any of the provisions of this Act or rules made under this Act shall be punished with fine which may extend to five thousand rupees.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punished with fine, which may extend to ten thousand rupees.

(3) Whoever in any manner aids or abets the commission of any offence under this Act shall be punished with fine which may extend to five thousand rupees.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and bailable.

2 of 1974.

Offences by
Companies.

9. (1) If the person committing an offence punishable under this Act is a Company, every person who, at the time of the commission of the offence, was in charge of, and responsible to the Company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent commission of the offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary or other officer, such Director, Manager, Secretary or officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

Offences to be
tried summarily.

10. All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trials.

2 of 1974.

Compounding
of offences.

11. Any offence punishable under this Act may, before the institution of the prosecution, be compounded by the local self government institution concerned or by such officer as may be authorized by the appropriate Government in this behalf, on payment, for credit to the local self government institution concerned, of such sums not exceeding the amount of fine fixed for that offence.

Central
Government to
provide funds.

12. The Central Government shall provide requisite funds after due appropriation made by Parliament by law, in this behalf, from time to time for the purposes of this Act.

Savings.

13. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to make
rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Environment pollution and its ill-effects have attracted the attention the world over and ways and means to control the pollution are being thought of and implemented. In this regard, removal of garbage has become a major problem in cities and towns. Solid waste disposal is the duty of local self government institutions. Major portion of the solid waste is of bio-degradable nature, *i.e.* it can be destroyed by the action of living being and micro organism. Such bio-degradable garbage can be converted into compost or used as a source of energy or manure. Whereas, non-biodegradable garbage is the bane of modern civilization. The advent of plastic made up of Polyvinyl Chloride (PVC), Polypropylene and Polystyrene and other substances create environmental disasters leading to health hazards. Such substance chokes gutters, drain and marine outfalls, creating nightmare for sewage engineering. It clogs the soil, preventing the free flow of water through it and depleting it of its fertility and water tables. The Bill seeks to control the use and disposal of such non-biodegradable substances.

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides that the Central Government shall provide requisite funds after due appropriation made by Parliament by law, in this behalf, from time to time for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees ten crore would be involved from the Consolidated Fund of India per annum.

A Non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 16 OF 2013

A Bill to provide for proper handling and disposal of electronic waste being generated by discarded electronic devices by prescribing norms and fixing responsibilities and duties on manufacturers, re-cyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill effects of non-biodegradable electronic waste;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electronic Waste (Handling and Disposal) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "consumer" means a person using products capable of generating electronic waste;

(c) "disposal" means disposal of electronic waste according to prescribed norms to prevent contamination of ground water, surface water, ambient air quality and harmful effect on human health;

(d) "electronic waste" means waste generated from discarded television, personal computer, floppy, audio-video CD, battery, cell phone, refrigerator, air conditioner, electronic toys, telephone, washing machine, electronic switch and such other products;

(e) "operator" means a person or establishment owning or operating a facility for collection, transportation and disposal of electronic waste;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "re-cycler" means any person or establishment engaged in re-cycling or re-processing of used electronic equipment or assembly of their component;

(h) "storage" means the temporary containment of electronic waste in a manner so as to prevent its littering and hazardous effects on human being; and

(i) "transportation" means carrying of electronic waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effects on human being.

Compliance criteria and procedure for disposal of electronic waste.

3. (1) The Central Government shall, in consultation with Central Pollution Control Board, prescribe the compliance criteria and procedure for handling and disposal of electronic waste.

(2) The Central Pollution Control Board shall monitor the implementation of the compliance criteria and procedure for handling and disposal of electronic waste.

Appropriate Government to ensure disposal of electronic waste.

4. (1) The appropriate Government shall ensure that all the electronic waste generated within its territorial jurisdiction is handled and disposed of in accordance with compliance criteria and procedure prescribed under sub-section (1) of section 3.

(2) The appropriate Government shall provide infrastructure facilities for collection, storage, transportation and disposal of electronic waste.

(3) The appropriate Government may after due authorization, permit any operator to collect, transport and dispose of the electronic waste in such manner as may be prescribed.

Duty of manufacturer.

5. It shall be the duty of every manufacturer,—

(i) to ensure that every electronic product offered for sale in the Market contains—

(a) the procedure for its handling and disposal; and

(b) the information about the parts which can be re-cycled and which cannot be re-cycled.

(ii) to set-up adequate number of collection centres for the hazardous electronic waste; and

(iii) to create public awareness through advertisements, publications and other electronic media about the hazardous substances in their products which may cause ill effects on human body.

6. It shall be the duty of every consumer to ensure that the electronic waste is not disposed of in any manner except in the manner prescribed for the purpose. Duty of consumer.
7. (1) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed. Registration and responsibility of re-cycler.
- (2) Every re-cycler shall re-cycle only those parts of an electronic product which have been marked as re-cyclable by the manufacturer.
8. Whoever violates the provisions of this Act or the rules made thereunder shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to five lakh rupees. Penalty.
9. Where a person contravenes any of the provisions of this Act or of any rule, made thereunder is a company, every person who, at the time of contravention, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be deemed to be guilty of commission of an offence under this Act and shall be liable to be proceeded against and punished accordingly: Offence by a company.
- Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.
- Explanation.*—For the purpose of this section "company" means any body corporate and includes a firm or other association of individuals.
10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Electronic goods have become the household articles today. Every home has not one but a number of electronic products. Once these electronic products become obsolete or discarded, they are either thrown in the garbage bin or sold as scrap. The scrap dealers dismantle these gadgets and keep what is useful and rest of it is rendered into garbage which is then thrown in the landfills. This, of course, is not the proper way of disposal of electronic waste. In this way millions of tonnes of electronic waste is generated in various metropolitan cities of the country. A number of components in these electronic products are hazardous and should be disposed of in a manner that does not harm the environment. Many of these products contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements cause serious health problems to the persons handling electronic waste and also damage the environment.

In various countries, there are laws for proper disposal of electronic waste and the procedure for disposal is also displayed on the product. It is also indicated on the product what can be re-cycled and what cannot be re-cycled. But, in our country disposal of electronic waste is nobody's responsibility. As of now, there is no law for the disposal of electronic waste and no account is being maintained as how much electronic waste is being generated and how much of it is being disposed of. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall provide infrastructure facilities for collection, storage, transportation and disposal of electronic waste. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may also have to provide some financial assistance to the States for this purpose. Also, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 12 OF 2013

A Bill to remove homelessness in the country by providing for framing of a housing scheme aimed at providing dwelling units with all basic facilities at an affordable cost to every homeless family

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Removal of Homelessness Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “family” means an adult citizen, his spouse and dependent children; and

(c) “prescribed” means prescribed by rules made under this Act.

Short title,
extent and
commencement.

Definitions.

Provision of dwelling units with basic facilities by the appropriate Government.

3. (1) The appropriate Government shall provide a dwelling unit with all basic facilities at an affordable cost to every homeless family.

(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the State Governments, frame a time-bound national housing scheme to remove homelessness in the country.

(3) Notwithstanding anything in sub-section (2), the housing scheme shall provide for dwelling unit free of cost or at concessional rate to senior citizens, physically challenged citizens, citizens belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, citizens staying and sleeping on public roads or in parks, shelters and other public places and such other categories of citizens, as the appropriate Government may deem fit.

Appropriate Government to implement housing scheme.

4. The appropriate Government shall implement the national housing scheme with such targets and in such manner, as may be prescribed.

Central Government to provide requisite funds.

5. The Central Government shall, after due appropriation made by Parliament by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law in force.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in respect of any of the matters provided under this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Housing is one of the basic needs of every human being. Everyone wants to own a house for himself and his family, but there is a huge gap between supply and demand of housing and as a result the homelessness is increasing day by day. Lakhs of people are forced to live under the sky and face the vagaries of weather, be it scorching heat of the summer, torrential rains of the monsoon or chilling cold of the winter. In the cities, particularly in big and metropolitan cities, people live on footpaths, parks, bus stand sheds and other open spaces. A large number of people are also living in jhuggis, jhopris, kucha and semi pucca hutments in inhuman conditions of filth and garbage without any of the basic amenities.

There are Housing Boards and Authorities in every State to address the housing problem of the citizens. But these Boards and Authorities have failed to meet the demand of housing by the citizens.

The right to safe and appropriate housing has been recognised and reaffirmed in all international and regional covenants and our country has ratified such covenants and, therefore, it is the foremost duty of the State to provide adequate housing to the needy and homeless citizens. Our Supreme Court too has recognized this right as an integral part of the right to life enshrined in article 21 of the Constitution. But in the absence of an effective law it is not possible to address the problem of housing and remove homelessness among citizens of the country.

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRA SINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide a dwelling unit with basic facilities at affordable cost or free of cost, as the case may be, to every homeless family. Clause 4 provides that the appropriate Government shall implement housing scheme. Clause 5 provides that the Central Government shall provide adequate funds to the State Governments for implementing the provisions of this Act. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crore per annum will be involved as recurring expenditure.

A non-recurring expenditure to the tune of rupees five hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 13 OF 2013

A Bill to prohibit publication or telecast of indecent or surrogate advertisements and remix songs which contain vulgarity and nudity that adversely affect the minds of the children and younger generation with a view to protect the culture and values of the society and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Indecent or Surrogate Advertisements and Remix Songs (Prohibition) Act, 2013.

(2) It extends to the whole of India.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "advertisement" includes any pamphlet, writing, drawing, painting, photograph, bill, circular, notice, label, poster hoarding, banner or other document and also includes any visible representation made through radio, television, cassettes, slides by means of any light sound, smoke or gas and publication in print media such as newspapers, magazines and books;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "indecent advertisement" means advertisement depicting in any manner, a horror or vulgar scene or figure form or body of a male or female, whether nude or semi-nude, or any part thereof, which may have the effect of being indecent or derogatory to or denigrating men or women or any religion or is likely to deprave, corrupt or injure public morality or which may induce a person to commit any crime or which may cause road accident;

(d) "indecent remix song" means a remix song depicting in any manner, vulgar scene or figure form or body of a male or female, whether nude or semi-nude, or any part thereof, which may have the effect of being indecent or derogatory to or denigrating men or women or any religion or is likely to deprave, corrupt or injure public morality or which may induce a person to commit any crime;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "remix song" means a song that has been edited or altered to sound or appear different from the original version; and

(g) "surrogate advertisement" means an advertisement which shows a substitute product in the guise of the real one which otherwise cannot be legally advertised through the print and electronic media.

(2) Words and expressions used but not defined in the Act but defined in the Cinematograph Act, 1952 and the Cable Television Networks (Regulation) Act, 1995 shall have the same meanings respectively assigned to them in those Acts.

3. (1) No person shall—

(a) publish or telecast or cause to be published or telecast or arrange to take part in the publication, telecast or exhibition of or sticking, writing or painting any indecent advertisement or surrogate advertisement; and

(b) produce or cause to be produced, depict, circulate, distribute, broadcast or telecast any indecent remix song in any manner.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. The appropriate Government shall designate such agencies as it may consider appropriate for the purposes of implementation of the provisions of this Act.

5. Any person who contravenes the provisions of section 3 shall be punished with imprisonment for a term which shall not be less than five years but which may extend upto ten years and with fine which shall not be less than three lakh rupees but which may extend upto seven lakh rupees.

6. Where an offence under this Act has been committed by a company, firm or other association of individuals, every person who, at the time the offence was committed, was in-charge of, and was responsible to the company, firm or association for the conduct of the business of the company, firm or association, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.

Prohibition of indecent or surrogate advertisements and indecent remix songs.

Appropriate Government to designate agencies for the purposes of the Act.

Penalty.

Offences by Companies, firms and other associations.

Offence to be cognizable and non-bailable.

Savings.

8. The provision of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not to
apply to
certain
advertisements.

9. (1) For the removal of doubts, it is hereby declared that the provisions of this Act shall not apply to advertisements which are aimed at educating the general public or a particular group.

(2) For the purpose of deciding the aim of advertisements under sub-section (1), the Central Government shall designate such number of officers, not below the rank of Joint Secretary, as it may deem fit.

Power to
make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

These days the newspapers and magazines are full of advertisements of various products. Most of these advertisements carry the pictures of scantily clad girls and women depicted in a vulgar manner. In most cases, the display of nude, topless or semi-nude photographs of women in the advertisements have nothing to do with the product. The television channels also telecast advertisements exhibiting semi-nude or nude girls and women. The models in such advertisements move and act in a vulgar manner. One feels ashamed to watch these advertisements along with family, particularly with children.

As per the Government policy, the advertisements of liquor and tobacco products are not allowed in print and electronic media. But manufacturers of these harmful products still promote their products through surrogate advertisements. Particular brands of liquor are advertised in the garb of mineral water or soda, etc. These advertisements also carry vulgar movements of female models.

Of late, the television channels are showing remix songs. The popular songs of old Hindi movies are being shown by television channels. These remix songs have crossed all limits of vulgarity, nudity and obscenity. Unfortunately, there is no check on the albums and cassettes of such remix songs.

The exposure of the society to the obscenity, nudity and vulgarity is crossing limits of decency and damaging our culture. Besides, indecent advertisements and remix songs also affect the minds of teenagers adversely. Their poisonous effect is visible in the society in the form of increasing cases of rape, eve teasing, murder and other crimes against women. The time has come to put a complete ban on such advertisements and remix songs in the larger interest of the society and to protect the culture and values of decency of this great country.

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRA SINH P. CHAUHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 2 OF 2013

A Bill further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Forest (Amendment) Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Indian Forest Act, 1927, in clause (7), the word “bamboos” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Bamboo is a scientifically recognized grass. With over 1500 documented uses, including as building material, as medicine and even fiber, bamboo is one of the most useful plants available to mankind. Our country has the largest area under bamboo cultivation and if it is managed well, it can provide steady and sustainable source of livelihood for millions of tribal and rural inhabitants. The use of timber can be reduced and our forests can be saved. It can also help build peace and prosperity in our North-East region from where most of the bamboo yield comes.

The Indian Forest Act, 1927 wrongly classifies bamboo as a tree. It leads to inaccurate classification of felled bamboo as timber whether it originated in government or private land. It is hence subject to not only Central but also State Forest Laws. The Planning Commission has estimated that if the bamboo economy realizes its potential of rupees 26000 crore by 2015, it can provide livelihood opportunities to 50 million people. The current regulatory framework has inhibited a viable bamboo economy.

Furthermore, several subsequent legislations and Supreme Court orders stand contrary to the classification of bamboo as a tree in the Indian Forest Act, 1927. They are listed below:—

1. The Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996) directs the State Governments *vide* section 4(m) (ii), to ensure that the Panchayats at the appropriate level and the Gram Sabhas are endowed specifically with the ownership of minor forest produce. However, “minor forest produce” is not defined in the Act.

2. In a clarification by the Supreme Court *vide* its orders dated 12.12.1996 in T.N. Godavarman Thirumulkpad versus Union of India, it said the orders “does not cover minor forest produce, including bamboo etc.” Here, bamboo is considered a minor forest produce.

3. While realizing that this order may have serious implications in National Parks and sanctuaries, the Court revised its stand and in I.A. No. 707, order dated 18.02.2002, it ruled that “cutting of trees does not include bamboo and cane, which really belongs to the grass family, other than those in the national parks and sanctuaries. In other words, no bamboos including cane in national parks and sanctuaries can be cut but the same may be cut elsewhere”. Here, bamboo was correctly classified as a grass.

4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) *vide* section 2 (i) defines minor forest produce to include “all non-timber forest produce of plant origin including bamboo”. Further, it also gave forest dwelling scheduled tribes and other traditional forest dwellers *vide* section 3 (1) (c) the right of “ownership, access to collect, use and dispose of minor forest produce which have been traditionally collected within or outside village boundaries”.

The Indian Forest Act, 1927 continues to be the primary legislation in many States. These States follow the definitional pattern in this Act while framing their rules and laws. In view of the above, it is proposed that bamboo be made a non-timber minor produce by declassifying it as a tree in the Indian Forest Act, 1927. The proposed amendment would also bring consistency across all legislations and benefit millions of people with proper rights over this enormously useful renewable resource.

Hence this Bill.

BILL NO. 3 OF 2013

A Bill to protect the interests of agricultural workers and to provide for their welfare.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Agricultural Workers (Employment, Conditions of Service and Welfare) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment
of Agricultural
Workers
Welfare Board.

2. The Central Government shall establish an Agricultural Workers Welfare Board (hereinafter referred to as the Board) to protect the interests of agricultural workers in the country.

3. (1) The Board shall consist of a Chairperson and twenty other members.

Chairman and
other members
of Board.

(2) The Chairperson of the Board shall be elected by the members of the Board.

(3) The members of the Board shall be chosen by agricultural workers in such manner as may be prescribed by rules made under this Act.

(4) The Chairperson and members of the Board shall hold office for a period of five years.

(5) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(6) The Headquarters of the Board shall be at New Delhi.

4. The Board shall—

Functions of
Board.

(i) provide employment to agricultural workers during off season period or during natural calamities with such wages as may be prescribed;

(ii) provide financial assistance to agricultural workers in case employment is not provided to them; and

(iii) establish similar Boards at State level to monitor the implementation of rules and regulations made by the Board for welfare of agricultural workers.

5. The Central Government shall, after due appropriation made by Parliament by law, in this behalf provide requisite funds for carrying out the purposes of this Act.

Central
Government
to provide
funds.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are about 320 million workers in the country, out of which 20 million are agricultural workers. Agricultural workers in the country are paid meager amount as salaries and their living conditions are very low. Whenever floods or droughts or such other natural calamities occur, their misery increases. The use of pesticides and chemical fertilizers also causing serious health hazards to the agricultural workers. Their jobs are at the mercy of the land owners and there is no security of employment. It is, therefore, necessary that the agricultural workers are fully protected and the benefits available to industrial workers in the country are also provided to agricultural labourers.

Hence this Bill.

NEW DELHI;
November 15, 2012.

BHAUSAHEB R. WAKCHAURE

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of D.O. No. H-11020/05/2012-RW dated 19 December, 2012 from Shri Mallikarjun Kharge, Minister of Labour and Employment to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Agricultural Workers (Employment, Conditions of Service and Welfare) Bill, 2013 by Shri Bhausaheb R. Wakchaure, M.P., has recommended under article 117(3) of the Constitution the consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of Agricultural Workers Welfare Board to protect the interests of agricultural workers in the country. Clause 3 provides for salary and allowances payable to the Chairperson and members of the Board. Clause 4 provides for employment and assistance to agricultural workers during off season period. Clause 5 provides for supply of requisite funds by the Central Government to implement the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 4 OF 2013

A Bill to abolish child labour in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Child Labour Act, 2013.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “child” means a boy or a girl who has not attained the age of eighteen years;

(c) "establishment" includes a household, shop, commercial establishment, workshop, farm or any residential place where commercial activity is involved, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment; and

(d) "prescribed" means prescribed by rules made under this Act.

Abolition of
child labour.

3. Child labour, in any form, in any establishment in the country, is hereby abolished.

Punishment.

4. Subject to the provisions of section 6, whoever employs a child in any establishment, shall be punished with simple imprisonment for a term which may extend to three years and with fine which may extend to rupees one lakh.

Punishment to
parents or
lawful
guardians for
coercion.

5. Any parent or a lawful guardian of a child, who coerces his child into employment, shall be punished with simple imprisonment for a term which may extend to one year and with fine which may extend to rupees fifty thousand.

Closure of an
organisation/
establishment
engaging child
labour.

6. (1) Any establishment employing children shall remove such children from employment within a period of six months from the date of coming into force of this Act.

(2) If, after the expiry of the period specified in sub-section (1), any establishment fails to remove children employed in that establishment, the appropriate Government shall order closure of such establishment.

Establishment
of children
homes for
rehabilitation
of children.

7. (1) The appropriate Government shall establish at least one children home in every district for rehabilitation of children found employed in any establishment or collecting rags and waste or begging.

(2) The children homes established under sub-section (1) shall provide free boarding and lodging, education, maintenance and such other facilities to the children, as may be prescribed, till they attain the age of eighteen years.

(3) Any child who is found employed in any establishment or collecting rags and waste or begging shall immediately be taken into custody by the police and sent to the nearest children home.

Act to have
overriding
effect.

8. The provisions of this Act or rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect of law by virtue of any law other than this Act.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India has the largest number of child labour in the world. The official figure is thirteen million. But the actual number may be much higher. Indian children are the source of cheap labour because they can be paid less wages or can be abused without provoking retaliation. These children work in industries manufacturing crackers, diamond polishing, glass, brassware, carpet weaving, bangle making, lock making and mica cutting to name just a few. A large number of children also work as domestic servants.

Poverty is cited as a major cause of child labour, but it is not the only determinant. Inadequate number of schools or even the expense of providing education leave some of the children with practically no option but to work. The attitude of parents also contribute to child labour. Compulsory elementary education may help ameliorate this attitude. The problem of child labour cannot be eliminated in one stroke. Many countries have enacted laws providing for ban on buying products of industries where children are employed.

Only multi-dimensional strategies including compulsory elementary education, eradication of poverty, eradicating parental illiteracy, making child labour illegal will help in achieving this objective. Stringent legal provisions, severe punishment for violation of laws, rehabilitation of children already engaged in work have to go along with abolition of child labour in the country. Therefore, it is high time that a stringent law for abolition of child labour is enacted.

Hence this Bill.

NEW DELHI;
November 15, 2012.

BHAUSAHEB R. WAKCHAURE

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the appropriate Government shall establish at least one children home in every district for the rehabilitation of children found employed in any establishment or collecting rags and waste or begging. The Central Government will have to incur expenditure from the Consolidated Fund of India for establishment of children homes in respect of Union territories. The State Governments will incur expenditure for establishment of children homes in the States from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 5 OF 2013

A Bill to provide for the setting up of a National Commission for Youth for their overall development and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Commission for Youth Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) “Commission” means the National Commission for Youth set up under section 3;

(iii) “prescribed” means prescribed by rules made under this Act; and

(iv) “Youth” means any person who has attained the age of eighteen years but is not above the age of forty years.

3. (1) The Central Government shall, by notification in the Official Gazette, set up a National Commission for Youth.

National
Commission
for Youth.

(2) The Commission shall consist of:—

(i) a Chairperson having special knowledge in the field of youth affairs, to be appointed by the Central Government; and

(ii) such number of other members having such qualification as may be prescribed.

(3) The conditions of service, salaries and allowances of Chairperson and other members of the Commission shall be such as may be prescribed.

4. The Central Government shall make available such number of officers and staff including experts to the Commission as may be required for its efficient functioning.

Central
Government
to provide
officers and
staff for the
Commission.

5. The Commission shall—

(i) formulate a national policy for the overall development of youth in the country;

Functions of
the
Commission.

(ii) perform such functions in regard to formulation and implementation of schemes for the welfare of youth as may be assigned to it by the appropriate Government; and

(iii) undertake such other functions as may be assigned to it by the Central Government.

6. (1) The Central Government shall constitute a Fund to be known as the Youth Development Fund to implement the provisions of this Act.

Youth
Development
Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for the overall development of youth has been formulated in our country so far. Today, youth of our country are facing many problems. This include, problems relating to education, poverty, nutrition, self-employment, vocational training, health, etc. There is no institutional mechanism to harness their potential and channelise their energy for the betterment of the country. There is no proper planning for comprehensive development of the youth. The plight of youth belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes (OBCs) is even worse. Apart from all the problems mentioned above, youth belonging to these categories also have to face social ostracisation.

We need to instill a sense of belonging among the youth by providing them all opportunities for their all-round development so that they can contribute to the progress of the country to their full potential. The facilities should be provided as a matter of right and not as privilege. Employment should be guaranteed to the youth. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated in a phased manner. Steps taken in this direction will not only uplift the conditions of the youth but will also create a better society leading to a civilized and strong nation. A comprehensive youth policy through the National Commission for Youth, for their all-round development is, therefore, need of the hour.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 15, 2012.

BHAUSAHEB R. WAKCHAURE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Youth. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides for constitution of a Youth Development Fund. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred fifty crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.17 OF 2013

A Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Succession (Amendment) Act, 2013.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 3 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act), after clause (j), the following clause shall be added, namely:—

Amendment of
section 3.

“(k) “self-acquired property” means any property including both movable and immovable property acquired by a female Hindu by her own skill or exertion.”

Amendment of
section 15.

3. In section 15 of the principal Act, in sub-section (2), after clause (b), the following clause shall be added, namely:—

“(c) if a female Hindu dies intestate, her self-acquired property, in the absence of husband and any son or daughter of the deceased (including the children of any pre-deceased son or daughter), shall devolve, not upon the heirs as referred to in sub-section (1) in the order specified therein, but in the following manner:

- (i) firstly, upon the mother and the father of the female;
- (ii) secondly, upon the heirs of the father of the female;
- (iii) thirdly, upon the heirs of the mother of the female; and
- (iv) lastly, upon the heirs of the husband of the female.”.

STATEMENT OF OBJECTS AND REASONS

The proposed amendment has been necessitated in view of the vast changes in the social milieu over the past few years. Over the years, women have taken a stride in all spheres of life. The consequence is that women are acquiring property earned by their own skill. These situations do not seem to have been in the contemplation of legislators when the Act was initially enacted.

Social justice and the principle of equality as enshrined in article 14 of our Constitution demands that the women should be treated equally, both in the economic and the social sphere. Further, the Constitution of India not only grants equality to women but under article 15(3) also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio-economic, educational and political disadvantages faced by them.

The proposed Bill seeks to make changes in sections 3 and 15 of the Hindu Succession Act, 1956 so that first preference is given to the parental heirs of the wife over the husband's heirs to inherit the self-acquired property of a women dying intestate in the absence of husband and any son or daughter of the deceased (including the children of any pre-deceased son or daughter).

It is expedient in public interest to make the aforesaid amendments with regard to self-acquired property of women in the parent Act.

Hence this Bill.

NEW DELHI;
November 29, 2012

ANURAG SINGH THAKUR

BILL NO.6 OF 2013

A Bill further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Information Technology (Amendment) Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 2.

2. In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act)—

21 of 2000

(i) clause (ha) shall be re-numbered as clause (hb) and before clause (hb) as so re-numbered, the following clause shall be inserted, namely:—

'(ha) "commercial electronic message" means an electronic message the primary purpose of which is to market or promote a product or a service or a business or an investment opportunity;;

(ii) after clause (s), the following clause shall be inserted, namely:—

'(sa) "electronic message" means a message or an information created, transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video and any other electronic record, which may be transmitted with the message;; and

(iii) after clause (zg), the following clause shall be inserted, namely:—

'(zga) "unsolicited commercial electronic message" means a commercial electronic message that is sent to the addressee or the recipient without his consent;'

3. For section 66A of the Principal Act, the following section shall be substituted, namely:—

Substitution of
new section for
section 66A.

"66A. Any person who sends, by means of a computer resource or a communication device,—

Punishment
for sending
unsolicited
commercial
electronic
messages, etc.

(a) any unsolicited commercial electronic message;

(b) any commercial electronic message in which the identity of the originator or the person on whose behalf the message is sent has been disguised or concealed; or

(c) any commercial electronic message which cannot be unsubscribed or replied to by the addressee or the recipient due to the absence of a valid electronic address or otherwise,

shall be punished with fine which may extend to rupees one crore".

STATEMENT OF OBJECTS AND REASONS

There has been phenomenal growth in the use of internet for exchange of information, ideas and opinions. Since easy accessibility to internet has empowered the citizens with information and knowledge, it is extremely important that the rights of our citizens to express themselves freely over the internet be zealously protected. However, law enforcing agencies have, on several occasions, misused the law to subvert these rights.

Part of the problem is the law itself, which has been drafted in a broad manner that leaves wide scope for misinterpretation and abuse. Section 66A of the Information Technology Act, 2000, in particular, has come under severe criticism from various quarters. Clause (a) of the section 66A uses expressions such as 'grossly offensive' and 'menacing', which are not only vague but also highly subjective by individual standards. Clause (b) prescribes penalties for offences such as 'annoyance', 'criminal intimidation', 'insult' and promoting 'hatred' or 'ill-will' between groups. Prescribing the same punishment for 'annoyance' as well as 'criminal intimidation' by bundling disparate terms within the same clause is bound to lead to confusion and misuse. Moreover, most of these offences are already covered under various sections of the Indian Penal Code, 1860. As a result, offenders often get booked under both the statutes for the same offence. Clause (c) of that section is meant to be an anti-spam provision but does not do justice to the requirement of either the users or the industry.

What is more, in some cases, penalties for the same offences are higher in the Information Technology Act as compared to those in the Indian Penal Code. Thus, if an offence is committed through an electronic medium such as the internet, it would attract a higher penalty than otherwise. For instance, threatening someone with injury to their reputation through email attracts a penalty of three years' imprisonment under the Information Technology Act, while the same offence when committed verbally attracts a penalty of two years' imprisonment under the Indian Penal Code (sections 503 and 506). This is inconsistent and unjustified.

The significance of this change goes beyond the increase in penalty. Under the Code of Criminal Procedure, 1973, offences punishable with a jail term of three years or more are 'cognizable' where a police officer can arrest the offender without a warrant. This leaves more discretion to the police officer and makes the section liable to misuse.

Our Constitution accords high importance and sanctity to the freedom of speech and expression. Article 19(1) of the Constitution provides our people the freedom to freely express their opinion while article 19(2) empowers the legislatures to impose reasonable restrictions on this freedom. Reasonable restrictions can only be imposed in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. No other grounds have been provided.

Our Supreme Court has upheld that restrictions on freedom of speech and expression should be narrowly and specifically defined. It is pertinent to note that some other democracies use the principle of incitement to violence with clear and present danger as the defining guideline for such restrictions.

Given that section 66A of the Information Technology Act is broadly defined and open to varied interpretation by the enforcers, it ceases to be 'reasonable'. The present law needs to be amended in order to narrowly delineate the contours of situations under which free speech on the internet may be restricted. Any attempt to provide our people an atmosphere conducive to healthy debate and deliberation, will have to begin with an amendment of this Act, which strikes at the very root of our democratic values.

Therefore, clauses (a) and (b) of section 66A must be omitted and clause (c) must be reworded to provide for a potent anti-spam provision. Several countries, such as USA, UK, Canada and Singapore already have a comprehensive anti-spam legislation in place. In India, despite demands from various quarters, the Information Technology Act has so far not adequately addressed the issue of spam.

Hence this Bill.

NEW DELHI;
November 29, 2012

BAIJAYANT PANDA

BILL NO.7 OF 2013

A Bill to amend the Bihar Reorganisation Act, 2000.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bihar Reorganisation (Amendment) Act, 2013.

(2) It shall be deemed to have come into force from the Twenty-fifth day of August, 2000.

Amendment of
the Eighth
Schedule.

2. In the Eighth Schedule to the Bihar Reorganisation Act, 2000, in paragraph 4, for the words “in the ratio of number of employees of each successor State”, the words “in the ratio of population of each successor State” shall be substituted.

30 of 2000.

STATEMENT OF OBJECTS AND REASONS

The Eighth Schedule to the Bihar Reorganisation Act, 2000 deals with apportionment of pension between two successor States of Bihar and Jharkhand. It provides for apportionment of pension liability in the ratio of number of employees. However, this provision is causing loss to the exchequer of the Government of Jharkhand. It may be pointed out that the reorganisation of Madhya Pradesh and Uttar Pradesh happened in the same year 2000 along with the reorganisation of the State of Bihar. In the case of reorganisation of the erstwhile States of Madhya Pradesh and Uttar Pradesh, the basis for apportionment of pension liability of successor States was the ratio of population. However, in the case of reorganisation of the erstwhile State of Bihar, the apportionment of pension liability of successor States was not provided on the basis of ratio of population.

While the formula of population ratio has been adopted in the case of all new States created ever since 1956, it is not clear why a deviation was made only in case of successor State of Jharkhand, which was a nascent State trying to get on its feet after years of backwardness and neglect. This provision has put an extra annual burden of nearly two thousand two hundred crore rupees, which the State has been paying over the last ten years. The proposed amendment to the Eighth Schedule aims to provide that the pension liability, which is presently being calculated on the basis of ratio of number of employees, will be calculated on the basis of ratio of population, with retrospective effect, *i.e.*, from 15 November 2000, the date of notification of the Bihar Reorganisation Act, 2000 so that the State of Jharkhand is able to recoup the losses it had suffered unjustifiably.

Hence this Bill.

NEW DELHI;
December 4, 2012.

NISHIKANT DUBEY

BILL NO.8 OF 2013

A Bill to prevent female infanticide.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Prevention of Female Infanticide Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "girls child" means a girl upto the age of ten years; and

(ii) "prescribed" means prescribed by rules made under this Act.

Female
infanticide.

3. Whoever causes, or does any act with the intention of causing death of a girl child or allows a sick girl child to die by deliberately not giving timely and proper medical assistance or does any act of negligence towards the care of the girl child which may result in her death, commits the offence of female infanticide.

4. (1) Whenever a female child is born or a girl child dies, it shall be the duty of the parents or the guardian of the child to inform the nearest health centre, run by the Government or to such authority, as may be prescribed for this purpose, about the birth or death of the girl child.

Information about birth or death of a girl child to be given to authorities.

(2) In case of death of a girl child, the child shall not be cremated or buried unless the health centre or the authority, as the case may be, has permitted the cremation or burial upon being informed about the cause of death of the girl child.

(3) Where an officer-in-charge of health centre or the authority, as the case may be, has any reasonable suspicion about the violation of the provisions of this Act, such officer or the authority, as the case may be, shall hold an investigation into the cause of death of the girl child and make a report thereon within twenty-four hours.

5. If the findings of the report made under sub-section (3) of section 4 suggest commission of an offence of female infanticide, any person who appears to be *prima facie* involved in the commission of the offence, shall be taken into custody at once.

Arrest of person committing female infanticide.

6. Any inquiry or investigation into the offence of female infanticide and filing of a chargesheet in a court of law shall be completed within a period of three months from the date of the death of the girl child.

Investigation and filing of chargesheet.

7. An offence under this Act shall be non-bailable.

Offence to be non-bailable.

8. (1) Any person who commits or abets the commission of the offence of female infanticide or withholds information about the death of a girl child, shall be punished with imprisonment for a period which shall not be less than ten years and also with fine of rupees one lakh.

Punishment.

(2) Any person who withholds information about the birth of a female child shall be punished with imprisonment for a period of six months.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Penal Code, 1860 or any other law for the time being in force.

Act to have over-riding effect.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With the menace of dowry system continuing in the country, birth of a girl child in an ordinary family is considered to be very inauspicious and a curse. Birth of a girl child is considered as a burden in poor families. As a result, female infanticide is widely prevalent in the country. Thousands of innocent girls are dying prematurely as a result of inadequate care and indifference on the part of their families. It is high time that this dastardly act is brought to an end. However, in the absence of a stringent legislation it is quite difficult to put an end to this evil practice.

It is, therefore, proposed to bring forward a legislation providing for severe punishment to those who commit female infanticide in order to eradicate this evil practice from the country.

Hence this Bill.

NEW DELHI;
December 12, 2012.

RAKESH SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO.9 OF 2013

A Bill to regulate the functioning of computer training centres and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Computer Training Centres (Regulation) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) “computer centre” includes a centre in which computer courses or advance courses in computer education are conducted for imparting training to persons already knowing computer operations or where training is imparted to those who are aspiring for jobs in computer or related industries; and

(c) “prescribed” means prescribed by rules made under this Act.

Computer centres not to function without registration.

3. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration with the appropriate Government.

Computer centres to apply for registration.

4. The in-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act, shall, within one month from the date of commencement of this Act, apply to the appropriate Government, in such form and manner, as may be prescribed, for registration of his computer centre.

Scrutiny of an application.

5. The appropriate Government shall, on receipt of an application under section 4 cause it to be scrutinized as to the genuineness of the computer centre and shall carry out such investigation as it may deem fit to ensure that the particulars furnished by the computer centre for registration are in order and that the centre fulfils the conditions prescribed for registration under the Act or rules made thereunder.

Issue of registration certificate.

6. On being satisfied that the computer centre fulfils the prescribed conditions, the appropriate Government shall issue a registration certificate in favour of that computer centre for such period as it may deem fit.

Syllabus and fees.

7. The appropriate Government shall prescribe syllabus and fees to be charged for each course imparted by a computer centre.

Complaint to be investigated.

8. On receipt of a complaint regarding the improper functioning of a computer centre, the appropriate Government shall cause the complaint to be investigated and a decision on it shall be taken within one month from the date of receipt of such complaint.

Cancellation of registration.

9. If, on investigation, it is found that the complaint was in order, the appropriate Government shall forthwith cancel the registration of the computer centre against which the complaint was lodged.

Punishment.

10. Any person who violates the provisions of this Act shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than rupees one lakh.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of computer training centres are functioning in the country without proper registration. These centres charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. There have been some instances in which the institutes, after collecting huge amount of money from students, closed down their operations without completing courses. Thus, students were left in the lurch. In order to protect the interest of the student community, there is a need to regulate the functioning of computer institutions in the country.

The Bill seeks to provide for due registration of all computer training centres and also provides for punishment to those who are running such training centres without proper registration.

Hence this Bill.

NEW DELHI;
December 12, 2012.

RAKESH SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.10 OF 2013

A Bill to provide for special financial assistance to the State of Madhya Pradesh for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixty-fourth year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Special Financial Assistance to the State of Madhya Pradesh Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special financial assistance to the State of Madhya Pradesh. 2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Madhya Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of people and for the development, proper utilization and exploitation of the resources in the State.

Act not in derogation of other law. 3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Madhya Pradesh is socially and economically backward. The problems of poverty, unemployment and literacy are required to be addressed urgently and in a time bound manner. Measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are also required to be implemented in a time-bound manner. The State of Madhya Pradesh is also facing the problem of naxalite violence for a number of years. Due to its economic backwardness, the naxalites have found sympathetic elements specially among the rural population. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Madhya Pradesh for its all-round development including the welfare of weaker sections of the society and for the development and proper utilization of its vast natural resources. Such a step would also go a long way in building a strong and vibrant nation.

Hence this Bill.

NEW DELHI;
December 12, 2012.

RAKESH SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Madhya Pradesh to meet the cost of such schemes of development, as may be undertaken by the State with the approval of Government of India.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India for providing special financial assistance to the State of Madhya Pradesh. As the sums of moneys which will be given to the State of Madhya Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

T. K. VISWANATHAN,
Secretary-General.